

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4775 of 2021**

Arising Out of PS. Case No.-222 Year-1987 Thana- BUXAR District- Buxar

RAVI BHUSHAN OJHA Son of Ram Vilas Ojha Resident of Sidhnath Ghat,
P.S.- Buxar Town, District - Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Jai Narayan Pandey Son of Durgadutta Pandey Resident of Sidhnath Ghat,
P.S.- Buxar Town, District - Buxar
3. Paramath Nath Pandey Son of Late Vishnudutt Pandey Resident of Sidhnath
Ghat, P.S.- Buxar Town, District - Buxar
4. Shiv Bihari Tiwari Son of Late Gangadhar Tiwari Resident of Niranjapur,
Near Golambar, P.S.- Buxar (Industrial), District - Buxar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Parijat Saurav, Advocate
For the State	:	Mr.Bipin Kumar, APP
For the Respondent nos. 2 and 3 :	:	Mr. Vishwanand Upadhyaya, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

12 03-02-2026 Heard learned counsel for the appellant and learned
counsel for the State and learned counsel for respondent nos. 2
and 3.

2. The present appeal has been filed to set aside the
part of judgment dated 08.04.2021 passed by the Court of
learned Additional District and Sessions Judge-VI, Buxar in Cr.
Appeal No. 47/2010 whereby the learned appellate court has
allowed the appeal of the respondent nos. 2 and 3 and has been
pleased to set aside the conviction and sentence of both the
respondent nos. 2 and 3 who are convicted under Section 323 of



the Indian Penal Code and sentenced to six months of simple imprisonment and fine of Rs. 1,000/- and additional one month of simple imprisonment on failure to deposit the fine, by the trial court of learned Judicial Magistrate 1st Class, Buxar vide judgment of conviction and sentence dated 15.05.2010 in Trial No. 229/2009/ G.R. No. 1900/1987 arising out of Buxar Town P.S. Case No. 222/1987 dated 12.12.1987 under Sections 323, 325/34 of the I.P.C.

3. As per the prosecution case, while the appellant was going to market, the respondents are alleged to have assaulted him with lathis from behind.

4. After going through the impugned judgment, this Court finds no illegality in the said judgment which warrants interference or reversal, so far as Respondent no. 2 is concerned.

5. Hence, this application stands dismissed.

(Sandeep Kumar, J)

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